

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8007 of 2021

Vinod Chauhan S/o Rajpat Aged About 35 Years R/o Sihi, Post Rautmau Police Station Jahanaganj, District Ajamgarh, U. P. **---- Applicant**

Versus

State Of Chhattisgarh Through Police Station Nagarnar, District Baster Chhattisgarh **---- Non-Applicant**

For Applicant: Shri Punit Ruparel, Advocate.
For Non-Applicant/State : Shri Ishwar Jaiswal, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

28.10.2021

1. This is the 1st bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.126/2021 registered at Police Station – Nagarnar, District – Bastar, Chhattisgarh for the offence punishable under Section 34(2) of CG Excise Act.
2. Allegation against the Applicant is that he was found in illegal possession of 5093.88 bulk liters of foreign made liquor.
3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question and submits further that he is in jail since 16.09.2021. He further submits that co-accused Lal Jeet Kumar has already been granted bail by this Court vide order dated 22.10.2021 passed in M.Cr.C No.8164/2021 and therefore, he may be released on bail on the same grounds.
4. On the other hand, learned counsel for the Non-Applicant/State

opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the incident took place on 20.07.2021, the quantity of liquor and the manner in which it was seized, the fact that the Applicant is in jail since 16.09.2021, the fact that co-accused has been granted bail, there is no likelihood of the Applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.

6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs 10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) the Applicant and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge